

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:08-CR-89-1-F

UNITED STATES OF AMERICA,

v.

JAMES EARL STATON, JR.,
Defendant.

)
)
)
)
)
)

ORDER

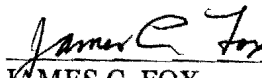
James Earl Staton, Jr., was convicted upon his plea of guilty to one count of possession of a firearm by a felon, in violation of 18 U.S.C. § 922(g), on September 2, 2008. He was sentenced on December 10, 2008, to a term of 130 months imprisonment, followed by a five-year term of supervised release. See Judgment [DE-34].

Mr. Staton has communicated with the court his understanding that counsel would be appointed to represent him pursuant to this court's Standing Order, to investigate whether he may be eligible for relief in light of the Fourth Circuit Court of Appeals' opinion in United States v. Simmons, 649 F.3d 237 (2011). The court's inquiry reveals no record of the appointment of counsel or notice of appearance by counsel, and no pending motions.

It is ORDERED, therefore, that the Federal Public Defender is DIRECTED to appoint counsel pursuant to Chief Judge Dever's Standing Order, No. 11-SO-3 (Oct. 18, 2011) to investigate Staton's eligibility for Simmons relief, if any, and to take such action as counsel deems appropriate in light of such investigation. Appointed counsel is DIRECTED to file his or her Notice of Appearance within five (5) days of such appointment.

SO ORDERED.

This, the 18th day of January, 2013.



JAMES C. FOX
Senior United States District Judge